



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

LEONARD MOORE,
Plaintiff,

v.

JAY GONZALES,
Defendants.

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CIVIL ACTION NO: 1:05-CV-274

MEMORANDUM ORDER OF DISMISSAL
AND ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of pretrial matters and proceedings. Judge Giblin recommended that this proceeding be dismissed for failure to prosecute.

On April 8, 2005, *pro se* Plaintiff Leonard Moore filed his complaint. *See Plaintiff's Original Complaint* [Clerk's doc. #1]. Judge Giblin ordered the Clerk of Court to issue summons, and summons were accordingly issued to the plaintiff for service on November 21, 2005. To date, the record reflects that Plaintiff has not issued service upon the defendant or made any further effort to prosecute his claims.

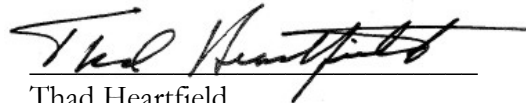
On October 4, 2006, Judge Giblin issued a *Report and Recommendation* to this Court on Mr. Moore's case [Clerk's doc. #6]. Because Plaintiff had not perfected service or acted in this case for

months, Judge Giblin recommended that the Court dismiss the case for failure to prosecute under Federal Rule of Civil Procedure 41(b).

To date, Plaintiff has not filed objections to the report. The Court agrees with Judge Giblin that this proceeding should be dismissed, *sua sponte*, for lack of prosecution.

Accordingly, the Court **ORDERS** that the magistrate judge's *Report and Recommendation on Dismissal for Want of Prosecution* [Clerk's doc. #6] is **ADOPTED**. The Court further **ORDERS** that Plaintiff's *Complaint* [Clerk's doc. #1] is **DISMISSED** with prejudice for want of prosecution under Federal Rule of Civil Procedure 41(b). All motions not addressed herein are denied as **MOOT** and this matter shall be closed.

SIGNED this the **9** day of **November, 2006**.


Thad Heartfield
United States District Judge